

Legislative Bulletin.....November 17, 2004

Contents:

- S. 2484—Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004
- S. 2486—Veterans Benefits Improvements Act of 2004
- H.R. 3936—Veterans Health Programs Improvement Act of 2004
- S. 437—Arizona Water Settlements Act
- H.R. 4593—Lincoln County Conservation, Recreation, and Development Act of 2004
- H.R. 1113—To authorize an exchange of land at Fort Frederica National Monument
- H.R. 1964—To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region
- H.R. 1446—California Missions Preservation Act
- S. 1241—Kate Mullany National Historic Site Act
- S. 1727—A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978
- H.R. 1284—To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project
- S. 434—Idaho Panhandle National Forest Improvement Act of 2003
- S. 1466—Alaska Land Transfer Acceleration Act of 2003
- S. 1146—Three Affiliated Tribes Health Facility Compensation Act
- S.Con.Res. 145—To correct the enrollment of H.R. 1417
- H.R. 1417—Copyright Royalty and Distribution Reform Act of 2004
- S. 2302—To improve access to physicians in medically underserved areas
- H.R. 5363—To authorize salary adjustments for Justices and judges of the United States for fiscal year 2005
- H.R. 4516—Department of Energy High-End Computing Revitalization Act
- S. 2965—A bill to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting
- H.Con.Res. 430—Recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month
- H.R. 5360—American History and Civics Education Act of 2003
- H.R. 4324—To amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan

Summary of the Bills Under Consideration Today:

Total Number of New Government Programs: 7

Total Cost of Discretionary Authorizations: \$2.129 billion over five years

Effect on Revenue: \$0

Total Change in Mandatory Spending: Increase of \$30 million over five years

Total New State & Local Government Mandates: 0

Total New Private Sector Mandates: 0

Number of Bills Without Committee Reports: 8

Number of Reported Bills that Don't Cite Specific Clauses of Constitutional Authority: 8

S. 2484—Department of Veterans Affairs Health Care Personnel Enhancement Act of 2004 (Sen. Specter)

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The Senate passed the bill on October 6, 2004, by unanimous consent.

Summary: S. 2484 would increase compensation levels for doctors and dentists working in the Veterans Affairs (VA) health care system and provide alternative work schedule options for nurses. Specifically, the bill:

- Creates a new three-tiered pay system for doctors and dentists employed by the VA, consisting of base pay, market pay, and performance pay (the current pay system consists of base pay and special pay (various monetary awards for accomplishments or skills)).
 - Base pay would be composed of 15 rates of pay, starting at \$90,000 a year for a physician or dentist with two years or less of service and increasing to \$132,000 for a physician or dentist with more than 28 years of service. Base pay would be adjusted annually for inflation.
 - Market pay would be determined by the Secretary of the VA, taking into account recruitment and retention needs, experience of the physician, the health care labor market, and any other factors determined to be appropriate. The Secretary would also have to consult national surveys of pay for physicians and dentist when determining the amount of market pay. Market pay would be reevaluated no less than once every 2 years.

- Performance pay would be paid to a physician or dentist upon achievement of specific goals and performance objectives developed by the Secretary. Performance pay would be awarded on a case-by-case basis but could not exceed \$15,000 or 7.5 percent of the base pay and market pay provided to the physician or dentist, whichever is lower.
- Allows the VA to treat a nurse who has worked three 12-hour shifts within one workweek as having worked a full 40-hour week, including paying the nurse as if he or she has worked 40 hours.
- Allows the VA to authorize registered nurses to work full-time for nine months in exchange for three months off duty and be paid 75 percent of the full-time rate.
- Allows the VA to provide “special pay” to nurse executives ranging from \$10,000 to \$25,000 based on factors such as the nurse executive’s experience, job complexity, recruitment difficulties, and characteristics of the health care facility where the nurse executive is employed.

Additional Background: Some of the nursing provisions of S. 2484 were included in H.R. 4231, the Department of Veterans Affairs Nurse Recruitment and Retention Act of 2004, which was passed by the House on September 30, 2004, by a vote of 411-1.
<http://johnshadegg.house.gov/rsc/LB%2009-29-04--suspensions%20and%20DC%20guns.pdf>

Committee Action: After S. 2484 passed the Senate, the bill was sent to the House and held at the desk.

Administration Position: S. 2484 is based on an Administration proposal and the Administration supports the bill. <http://veterans.senate.gov/testimony/108th/2nd%20session/06-22-04/gordon%20mansfield.htm>

Cost to Taxpayers: The Congressional Budget Office estimated that the version of S. 2484 reported by the Senate Committee on Veterans’ Affairs would cost \$182 million in 2006 and \$763 million over the 2006-2009 period, subject to appropriations. The substitute amendment passed in the Senate on October 6 has provisions that would possibly increase the cost of the bill.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Senate committee reports are not required to cite constitutional authority.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

S. 2486—Veterans Benefits Improvements Act of 2004 (Sen. Specter)

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The Senate passed the bill on October 8, 2004, by unanimous consent.

Summary: S. 2486 would make a variety of changes to VA education, training, employment, disability, and home loan programs. Specifically the bill would:

- Increases monthly Montgomery GI Bill education assistance for apprenticeship or on-the-job training from \$753 to \$853 for the first six months of training, from \$552 to \$653 for the second six months, and from \$351 to \$452 for subsequent months. Also increases assistance amounts for survivors and dependents.
- Authorizes the VA to pay for competency-based apprenticeships.
- Sets-aside \$3 million in FY05 funding for VA computer system modifications.
- Allows education benefits to be used for national admissions exams or national exams for credit (such as AP and CLEP exams).
- Authorizes the Secretary to create a three-year pilot program to train VA employees to become qualified claims adjudicators.
- Allows members of the Selected Reserve to receive active duty benefits under the Montgomery GI Bill after completing 2 consecutive years of active duty service.
- Increases from 18 to 24 months the maximum period of employer-provided health coverage an employee covered by the Uniformed Services Employment and Reemployment Rights Act (USERRA) may choose to continue.
- Requires employers to notify employees of their rights and benefits under USERRA.
- Provides an additional \$250 a month in dependency and indemnity compensation to surviving spouses with one or more children under age 18 for a two-year period.
- Excludes life insurance payments from income when determining death pension benefits.
- Provides specially adapted automobile and adaptive equipment benefits to veterans injured during VA treatment or rehabilitation and allows them to be eligible for specially adapted housing grants.
- Increases the maximum VA home loan guarantee to 25 percent of the Freddie Mac conforming loan amount for a single-family home (from \$240,000 to \$333,700) and indexes the amount annually for inflation.
- Extends VA guarantees for adjustable rate mortgages through 2008 (authority expired in 1995). Extends the hybrid adjustable rate mortgage loan program through 2008 (set to expire in 2005).
- Prohibits VA from charging loan fees for veterans who have been rated eligible for disability compensation through a pre-discharge examination.
- Requires VA to conduct background investigations on fiduciaries and appoint temporary fiduciaries when appropriate. When the VA fails to investigate or monitor a fiduciary, resulting in misuse of benefits, the Secretary must repay the amount of the misused benefits to the beneficiary.
- Allows VA to lease unused or underutilized real property that is administered by the National Cemetery Administration.

Committee Action: After passage in the Senate, S. 2486 was referred to the Committee on Veterans' Affairs. The committee did not take official action on the bill.

Administration Position: In testimony before the Senate Veterans' Affairs Committee on June 22, 2004, the Administration did not take an official position on S. 2486. However, the Administration did note; "Due to concerns about the high cost of ARMs, the Congress allowed section 3707 to sunset on September 30, 1995. Similar concerns prevent VA from supporting enactment of this proposal. VA's past experience was that such ARMs had a 50 percent increased risk of default over fixed-rate VA guaranteed home loans." <http://veterans.senate.gov/testimony/108th/2nd%20session/06-22-04/gordon%20mansfield.htm>

Cost to Taxpayers: According to unofficial estimates, S. 2486 would decrease direct spending by \$20 million over fiscal years 2005-2009.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill creates one new pilot program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Senate committee reports are not required to cite constitutional authority.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 3936—Veterans Health Programs Improvement Act of 2004 (Smith of New Jersey)

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The House passed H.R. 3936 on July 20, 2004, by voice vote. The Senate amended and passed the bill on October 9, 2004, by unanimous consent. The provisions of the Senate amendment generally reflect the provisions of H.R. 4768, which passed the House by voice vote on September 29, 2004, H.R. 4248, which passed the House by voice vote on October 7, 2004.

Summary: The Senate-amended version of H.R. 3936 includes a variety of provisions, summarized below.

Health Care Provisions:

- Requires the Secretary of the VA to make payments to states to recruit and retain nurses at state veterans' homes.
- Extends the long-term care demonstration project for one additional year (until December 31, 2005).
- Prohibits co-payments from being collected for VA-provided hospice care.
- Permanently authorizes the Sexual Trauma Counseling Program (currently set to expire December 31, 2004).

- Requires the establishment of multi-trauma centers, authorizing \$7 million for fiscal year 2005 and \$8 million for fiscal years 2006-2008.
- Prohibits the Secretary from changing the mission of a medical facility without providing written notice to Congress. Provides for a Congressional review period. Mission changes would include closure or consolidation.
- Establishes a pilot program to study innovative recruitment tools to address nursing shortages.

Provisions Related to Facilities:

H.R. 3936 would authorize the Secretary of Veterans Affairs to enter into 16 leases for medical facilities. The total authorization for the leases for fiscal year 2005 is \$24.420 million. The VA is also authorized to enter into a long-term lease (up to 75 years) for land to construct a new medical facility on the Fitzsimons Campus of the University of Colorado in Aurora, Colorado.

The bill also gives the Secretary of Veterans Affairs authority to transfer unneeded property to another federal agency, a State, or any public or private entity. The VA would receive fair market value for the transfer, the funds from which would be deposited into a new “Capital Asset Fund.” The fund would be used to defray the VA’s cost of the transfer (such as demolition, environmental remediation, or repair). H.R. 3936 authorizes an initial appropriation of \$10 million for the fund. The bill also specifies the procedures that must be followed when transferring a property.

H.R. 3936 also includes the following provisions:

- Increases the authorization level for assistance to homeless veterans from \$75 million to \$99 million.
- Requires an annual inventory and report to Congress on VA historic properties.
- Authorizes the use of project funds to construct or relocate surface parking.
- Grants Kentucky a first option should the VA decide to convey, lease or otherwise dispose of the Louisville, KY Veterans Affairs Medical Center.
- Reduces the amount authorized to establish four National Medical Emergency Preparedness Centers from \$20 million to \$10 million per year. Requires the Secretary to establish a peer review panel to determine the location of the centers.

Committee Action: The Senate-amended version of H.R. 3936 has not been referred to a committee.

Administration Position: Although an official Administration position is not available, H.R. 3936 includes several provisions proposed by the Administration and some provisions opposed by the Administration. <http://veterans.senate.gov/testimony/108th/2nd%20session/06-22-04/gordon%20mansfield.htm>

Cost to Taxpayers: An official cost estimate is not available. However, the bill specifically authorizes \$130.42 million for fiscal year 2005. The bill also specifically authorizes \$31 million for fiscal years 2005-2008 for multi-trauma centers. In addition, previous CBO estimates of provisions included in H.R. 3936 are as follows:

- \$52 million over five years for the Sexual Trauma Counseling Program

- \$168 million over five years for facilities provisions

Does the Bill Expand the Size and Scope of the Federal Government?: The bill creates new multi-trauma centers and a new pilot program to study nurse recruitment options.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Senate committee reports are not required to cite constitutional authority.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

S. 437—Arizona Water Settlements Act (Senator Kyl)

Order of Business: The bill is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The Senate passed the bill by unanimous consent on October 10, 2004.

Summary: S. 437 would authorize the settlement of a number of water issues in central and southern Arizona—primarily regarding the Central Arizona Project (CAP), a federally-developed water project authorized in 1968 to deliver approximately 1.5 million acre-feet of Colorado River water annually to central Arizona. The resolution of various CAP-related issues would also make possible two Indian water rights settlements (regarding the Gila River Indian Community and the Tohono O'odham Nation), which S. 437 would authorize as well.

The bill would forgive debt owed to the federal government from water contractors in Arizona in exchange for relinquishing the contractors' entitlements to water from CAP. The Secretary of the Interior would be authorized to pay for certain benefits and water projects from funds deposited into the Lower Colorado River Basin Development [LCRBD] Fund, without further appropriation, starting in 2010. An account within the LCRBD Fund would be created to pay obligations resulting from future congressionally-approved Indian water settlements.

The bill also contains language recognizing the need to complete the San Carlos Apache Tribe's settlement for its water rights claims in the Gila River.

Additional Background: According to the Senate's Energy & Natural Resources Committee, "S. 437 will benefit a large portion of the population in Arizona by alleviating the water supply uncertainties that currently exist for several communities as a result of the ongoing litigation."

Committee Action: Although no House committee considered S. 437, the House Resources Committee did mark up and report a substantively identical bill, H.R. 885 (Rep. J.D. Hayworth), in late September 2004.

Administration Position: A representative of the Interior Department told the Senate Energy and Natural Resources Committee that; “The Administration supports the core concepts of the settlements that are achieved through S. 437 and the overarching goal of resolving many important water challenges facing the State of Arizona.... We believe that the comprehensive approach that is embodied in S. 437 is the right way to resolve these longstanding disputes regarding the use of the CAP and this portion of Arizona's allocation of the Colorado River.”

Cost to Taxpayers: CBO estimates that S. 437 would increase mandatory spending by \$2 million in FY2005, \$10 million over the FY2005-FY2009 period, and \$445 million over the FY2005-FY2014 period. The bill would also increase spending subject to appropriation by about \$1 million in FY2005 and \$5.6 million over the FY2005-FY2009 period.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Senate committee reports are not required to cite constitutional authority, and there is no House committee report available for H.R. 885.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 4593—Lincoln County Conservation, Recreation, and Development Act of 2004 (Gibbons)

Order of Business: The bill is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The House first passed this bill by voice vote on October 4, 2004. The Senate passed an amended version by unanimous consent on October 10th and sent it back to the House.

Summary (major differences in Senate-passed version in red-bold): H.R. 4593 contains the following provisions:

- Requires the Secretary of the Interior to sell (via a competitive bidding process) two parcels of land in Lincoln County, Nevada, for a total of not more than about 103,000 acres. Designates how the proceeds from the sale are to be spent **(such disposition is different in the Senate-amended version, mainly in that it does not include the House language that would have allowed the proceeds to be used for economic development)**.
- Adds several sites in Nevada to the National Wilderness Preservation System, a total of approximately 669,611 acres. The bill specifies that this designation does not affect existing water rights and prohibits the development of any new water resource facility.
- Requires the Secretary to establish a 2,640-foot wide corridor for utilities in Lincoln and Clark Counties in Nevada.

- Requires the Secretary to grant rights-of-way to federal lands in Clark and Lincoln Counties for any roads, wells, well fields, pipes, pipelines, pump stations, storage facilities, or other facilities and systems that are necessary for the construction and operation of a water conveyance system.
- Requires a water resources study of aquifers of White Pine County, Nevada.
- Designates several trails in Lincoln County as the “Silver State Off-Highway Vehicle Trail.”
- Conveys a parcel of land to Lincoln County for use as a public park.
- Conveys a parcel of land to the State of Nevada for use as a state park.
- Transfers 8,503 acres of Bureau of Land Management land to the U.S. Fish and Wildlife Service for inclusion in the Desert National Wildlife Range.

Committee Action: H.R. 4593 was introduced on June 16, 2004, and referred to the Committee on Resources. The Committee favorably reported the bill by voice vote on September 22. The Committee did not consider the Senate-amended version.

Administration Position: The Administration testified before the National Parks Subcommittee in favor of this legislation:
<http://resourcescommittee.house.gov/archives/108/testimony/2004/rebeccawatson4593.htm>

Cost to Taxpayers: CBO estimates that this legislation would cost about \$1 million annually, starting in 2005.

Does the Bill Expand the Size and Scope of the Federal Government?: All-in-all, no.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-720, cites constitutional authority in Article I, Section 8, (but does not cite a specific clause) and in Article IV, Section 3 (presumably a reference to Clause 2, which grants Congress to power to make all necessary rules and regulations for federal land). House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.”
[emphasis added]

Outside Organizations: The Sierra Club testified against this legislation:
<http://resourcescommittee.house.gov/archives/108/testimony/2004/ellenpillard.htm>

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 1113—To authorize an exchange of land at Fort Frederica National Monument (Kingston)

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill.

The House first passed H.R. 1113 on September 23, 2003, by voice vote. The Senate amended and passed the bill on October 10, 2004, by unanimous consent.

Summary: H.R. 1113 authorizes the Secretary of the Interior to convey 6 acres of land within Fort Frederica National Monument in Georgia to Christ Church in exchange for 8.7 acres of private land owned by the church. The Senate amendment to the bill removes language exempting H.R. 1113 from any other provision of law and clarifies that the land exchange is exempted only from the requirements of section 5(b) of Public Law 90-401. That subsection authorizes the Secretary of the Interior to exchange lands only if they are of equal value, or if the values of the lands are equalized by cash payment.

Additional Background: Located adjacent to the Fort Frederica National Monument on St. Simons Island, Georgia, the Christ Church has doubled in size over the last nine years. To address its need to expand, the Church has arranged to acquire, and then exchange, 8.7 acres of historically significant land to the National Park Service for 6 acres in the Monument. The 8.7 acres to be exchanged is contiguous to the Monument.

Committee Action: The bill was considered by the Resources Committee on June 11, 2003, and ordered favorably reported by unanimous consent. The committee did not consider the Senate-amended version of the bill.

Administration Position: The National Park Service supports the land exchange.

Cost to Taxpayers: The Congressional Budget Office estimates that the National Park Service would spend about \$200,000 after the land exchange to identify possible historic resources and determine how to exhibit them. Both CBO and the National Park Service estimate that there will be no payment required for the land exchange as the two properties are roughly equal in value.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-201, cites Article I, Section 8, and Article IV, Section 3, but does not cite specific clauses.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 1964—To assist the States of Connecticut, New Jersey, New York, and Pennsylvania in conserving priority lands and natural resources in the Highlands region (Frelinghuysen)

Order of Business: The bill is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The bill first passed the House on November 21, 2003, by voice vote. The Senate passed an amended version of the bill on October 10, 2004, and sent it back to the House. The Senate-amended bill contains no major changes from the House-passed bill.

Summary: H.R. 1964 would establish two new programs to fund conservation activities in the Highlands region of the United States. The Highlands region encompasses more than 2,000,000 acres extending from eastern Pennsylvania through the States of New Jersey and New York to northwestern Connecticut.

Under the first program, Governors from the Highlands region submit a list of conservation projects to the Secretary of the Interior. The Department of the Interior is authorized to fund up to 50% of the cost of the projects provided the projects meet certain requirements, including assurances of the permanent protection and use of the land for the purpose for which the assistance was provided. There is authorized \$10 million a year for each of the fiscal year 2005-2014 to carryout this program.

The second program authorizes \$1 million a year for fiscal years 2005 through 2014 for the Department of Agriculture and the Forest Service to conduct studies and provide technical assistance to Highland states, units of local government, and individual citizens.

The bill includes some protections regarding access to private property and ensuring the participation of private landowners.

Committee Action: The bill was reported by the Resources Committee by voice vote on October 29, 2003. It did not consider the Senate-amended version of H.R. 1964.

Cost to Taxpayers: CBO confirms that H.R. 1964 would authorize \$11 million a year from FY2005 through FY2014.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, the bill creates two new programs.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Resources Committee, in House Report 108-373, cites constitutional authority in Article I, Section 8 (but does not cite a specific clause), and Article IV, Section 3 (the power to make rules regarding federal property). House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” [*emphasis added*]

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 1446—California Missions Preservation Act (*Farr*)

Order of Business: The bill is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The House first passed the bill by voice vote on October 20, 2003. The Senate passed an amended version by unanimous consent on October 10, 2004.

Summary (major Senate changes in red-bold): H.R. 1446 would authorize a new federal program under which the Secretary of the Interior would make grants to the California Missions Foundation to support its efforts to restore and repair the California missions and to preserve artworks and artifacts associated with the missions. The bill would authorize \$10 million over **five years the period of FY2004-FY2009** for the grants.

The Secretary would be required to ensure that the purpose of a grant “is secular, does not promote religion, and seeks to protect those qualities that are historically significant.” In addition, the California Missions Foundation is required to submit to the Secretary a status report on the condition of the infrastructure and artifacts for each of the applicable California missions (as defined in the bill) and a comprehensive plan for restoration, repair, and preservation of the missions, including the estimated cost.

Additional Background: The California Missions Foundation is a charitable corporation established in 1998 to restore and repair historic Spanish missions, artwork, and artifacts in California. For more information, visit this website: <http://www.missionsofcalifornia.org/>

According to GuideStar, the California Missions Foundation receives no government funds.

Committee Action: H.R. 1446 was introduced on March 26, 2003, and referred to the Committee on Resources. The Committee considered neither the original House bill nor the Senate-amended version of the bill.

Cost to Taxpayers: CBO confirms that the bill would authorize \$2 million in FY2005 and a total of \$10 million over the FY2004-FY2009 period.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, it would create one new federal grant program.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 1241—Kate Mullany National Historic Site Act (*Senator Clinton*)

Order of Business: The bill is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The Senate passed the bill by unanimous consent on September 15, 2004.

Summary: S. 1241 would establish the Kate Mullany National Historic Site in Troy, New York as an affiliated area of the National Park System. The American Labor Studies Center would own, administer, and operate the Site. The bill would authorize the National Park Service to provide the Center with technical and financial assistance for planning, development, interpretation, and preservation, including up to \$500,000 for acquiring the adjacent half of the Kate Mullany House (as long as the federal share of the total acquisition costs is not more than 50%).

Additional Background: During the 1860s, Irish immigrant Kate Mullany organized and led the first all-female labor union in the United States. In February 1864, she led 300 workers in the commercial laundry industry in a week-long labor strike that resulted in the owners conceding all of their demands.

Committee Action: The Senate-passed bill was referred to the House Resources Committee on September 17, 2004, but was not considered by the Committee.

Administration Position: A representative of the Interior Department testified before the Senate National Parks Subcommittee last year **in opposition to this legislation:**

The Department opposes enactment of this bill for three main reasons. First, there are already authorities and mechanisms in place, at the federal, state, and local level, to support the preservation and interpretation of the Kate Mullany House National Historic Landmark. Second, the National Park Service Organic Act (16 U.S.C. 1 a-5) and National Park Service Management Policies 2001 state that areas should not be added to the National Park System if preservation and management alternatives exist. And third, to meet the President's Initiative to eliminate the deferred maintenance backlog, we need to continue to focus our resources on caring for existing areas in the National Park System.

Cost to Taxpayers: CBO estimates that this legislation would authorize about \$2.5 million over five years.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would increase by one the number of units that receives National Park Service funds and technical assistance.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Senate committee reports are not required to contain constitutional authority statements.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 1727—A bill to authorize additional appropriations for the Reclamation Safety of Dams Act of 1978 (Senator Domenici)

Order of Business: The bill is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The Senate passed the bill by unanimous consent on September 17, 2004.

Summary: S. 1727 would increase the cap on amounts authorized for the Reclamation Safety of Dams Act by \$540 million (excluding adjustments for inflation). The bill would also increase the cost threshold from \$750,000 to \$1.25 million that causes the Bureau of Reclamation to prepare a safety-of-dams modification report for Congress and would make other administrative changes to the dam safety program.

Additional Background: From CBO:

Under current law, \$105 million remains to be appropriated of the program authorization level. The current ceiling on amounts authorized to be appropriated for this program is about \$1 billion, including adjustments for inflation. The Bureau of Reclamation estimates that its plan to upgrade dams will use this remaining authorization level by fiscal year 2006 to fund ongoing and future projects.

Committee Action: Although S. 1727 has been held at the desk in the House since mid-September 2004, the House Resources Committee marked up and reported a substantively identical bill (H.R. 4893, Rep. Calvert).

Administration Position: A representative of the Interior Department testified before the Senate Energy and Natural Resources Committee that the Administration “strongly supports” S. 1727.

Cost to Taxpayers: CBO reports that this legislation would contain no new authorizations for FY2005 and \$185 million in authorizations over the FY2005-FY2009 period.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Although the committee report for S. 1727 does not cite constitutional authority (Senate rules do not require such reports to do so), the House report

for H.R. 4893 (Report #108-757) cites constitutional authority in Article I, Section 8 (but does not cite a specific clause of authority).

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 1284—To amend the Reclamation Projects Authorization and Adjustment Act of 1992 to increase the Federal share of the costs of the San Gabriel Basin demonstration project (*Napolitano*)

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill.

The House first passed H.R. 1284 by voice vote on September 16, 2003. The Senate amended and passed the bill on September 15, 2004, by unanimous consent.

Summary: H.R. 1284 would amend the Reclamation Projects Authorization and Adjustment Act of 1992 (43 U.S.C. 390h-13) to increase by \$6.5 million the federal share of the costs of the San Gabriel Basin demonstration project (original House bill increased the federal share by \$12.5 million). The original Act in 1992 limited the federal share for this project to 25% of total costs; amendments in 1996 capped the federal share at \$38.0 million. About \$29 million has been appropriated to date.

Additional Background: According to the House Resources Committee, groundwater in the San Gabriel Basin in Southern California aquifer provides drinking water for almost 1.5 million people in southern California, and contamination is threatening water supplies. The Bureau of Reclamation is assisting in a project that will extract groundwater from an area in the Basin, remove the contaminants, and deliver the treated water.

Increasing the federal share of the project would allow it to expand to three bordering areas of operation.

Committee Action: The Senate-amended version of H.R. 1284 was not considered by committee.

Administration Position: **The Administration did NOT support the House-passed version of H.R. 1284.** On April 1, 2003, John W. Keys III, Commissioner of the Interior Department's Bureau of Reclamation, testified before the Subcommittee on Water and Power as follows:

“Based on our investigation of this project, we do not believe a cost ceiling increase is warranted at this time, and therefore the Administration cannot support H.R. 1284 as written. We believe that there is sufficient funding available to provide the Federal cost share for all projects that are contemplated for the San Gabriel Basin cleanup program.”

To read Commissioner Keys' complete testimony, visit this website:
<http://resourcescommittee.house.gov/108cong/water/2003apr01/keys1284.htm>

Cost to Taxpayers: H.R. 1284 would authorize \$6.5 million over fiscal years 2006-2008.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill would increase the federal share of an existing water treatment demonstration project.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The House Resources Committee, in House Report 108-204, cites constitutional authority in Article I, Section 8, but does not cite a specific clause.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

S. 434—Idaho Panhandle National Forest Improvement Act of 2003 (Senator Craig)

Order of Business: The bill is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The Senate passed the bill by unanimous consent on November 24, 2003.

Summary: S. 434 would authorize the sale or exchange of about 150 acres of National Forest System lands in Idaho, comprised of three separate parcels, and deposit the proceeds in the fund established under the Sisk Act (Public Law 90-171). The proceeds would primarily be used to fund rehabilitation or construction of a ranger district office in the Silver Valley of the Idaho Panhandle National Forest. Proceeds could also be used to acquire land or to construct or rehabilitate other facilities in the Panhandle National Forest.

Additional Background: According to the House Resources Committee, the tracts identified for sale or exchange are no longer needed for agency administrative purposes. Conveyance of these tracts would reduce the long-term cost of administering related special-use permits.

Committee Action: On April 28, 2004, the House Subcommittee on Forests and Forest Health held hearings on the bill. On September 15, 2004, the House Resources Committee, by unanimous consent, ordered the bill (without amendment) reported to the full House.

Administration Position: A representative of the National Forest Service testified at a Senate hearing in support of the legislation.

Cost to Taxpayers: CBO estimates that this legislation would have a “negligible” net effect on the federal budget.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The House Resources Committee, in House Report 108-740, cites constitutional authority in Article I, Section 8, but does not cite a specific clause. House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 1466—Alaska Land Transfer Acceleration Act of 2003 (Senator Murkowski)

Order of Business: The bill is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The Senate passed the bill by unanimous consent on October 10, 2004.

Summary: S. 1466 includes a variety of provisions aimed at facilitating land transfers in Alaska. Highlights include:

- ❑ Authorizes the Secretary of the Interior to waive the minimum tract selection size (for land transfers) within national forests and other public lands in Alaska that are vacant (not to exceed 400,000 acres);
- ❑ Sets forth requirements regarding the selection of certain reversionary interests held by the United States;
- ❑ Makes, as of January 1, 2003, the remaining entitlement of the University of Alaska equal to 456 acres. Increases such entitlement to reflect the reconveyance of any land by the University to the United States to accommodate conveyance of a native allotment;
- ❑ Authorizes the Secretary of the Interior to enter into agreements with the State of Alaska regarding the settlement of remaining land conveyances (from the federal government);
- ❑ Deems lands encumbered by federal mining claims to be vacant, unappropriated, and unreserved and permits such land to be conveyed to Alaska;
- ❑ Authorizes the Secretary to enter into agreements with any native corporation related to the settlement of its remaining entitlement;
- ❑ Sets forth requirements for a process for affirming corrections to native allotment land titles. Provides for title recovery of native allotments if the State of Alaska or any native corporation does not elect to take advantage of such process;
- ❑ Permits the relocation of native allotments on land selected by or conveyed to native corporations;
- ❑ Requires the Director of the Bureau of Land Management to: 1) update the twelve preliminary regional conveyance and survey plans to identify any conflicts needing resolution, 2) recommend any actions that should be taken to finalize land

conveyances in a region by 2009, and 3) complete final closure plans for certain native village corporations; and

- Directs the Secretary to establish a hearings and appeals process for land transfer decisions issued in Alaska by the Secretary.

Committee Action: No House committee considered S. 1466.

Cost to Taxpayers: CBO informally reported to RSC staff that this legislation would “not [have] anything to score.”

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

S. 1146—Three Affiliated Tribes Health Facility Compensation Act (*Sen. Conrad*)

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill.

The Senate passed S. 1146 with an amendment by unanimous consent on October 27, 2003.

Summary: S. 1146 would authorize the construction of a rural health care facility on the Fort Berthold Indian Reservation, North Dakota. The bill authorizes \$20 million for construction of the facility and “such sums” for other costs, such as operating expenses.

Additional Background: Construction of the facility authorized under S. 1146 would fulfill a recommendation by the Garrison Unit Tribal Advisory Committee, which was formed to study how to compensate the Three Affiliated Tribes (the Mandan, Hadatsa, and Arikara Nations) for loss of property and infrastructure from a flood caused by the federal Garrison Dam and Reservoir project in the 1940s. When the dam project was being built, hundreds of families representing 80% of the tribe were forced to relocate as 150,000 acres of the Fort Berthold Indian Reservation were flooded. The flood also destroyed infrastructure, including a U.S. Public Health Service hospital.

Committee Action: On May 19, 2004, the Resources Committee favorably reported S. 1146 by unanimous consent.

Cost to Taxpayers: S. 1146 authorizes \$20 million and “such sums.” CBO estimates that implementing S. 1146 would cost \$2 million in 2005 and \$57 million over the 2005-2009 period.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill authorizes funding for construction and operation of a new rural health care facility.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Committee on Resources, in House Report 108-523, cites Article I, Section 8, but fails to cite a specific clause.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

S.Con.Res. 145—To correct the enrollment of H.R. 1417 (Sen. Hatch)

Order of Business: The resolution is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: S.Con.Res. 145 would make a variety of primarily technical corrections to the enrollment of H.R. 1417, the Copyright Royalty and Distribution Reform Act of 2004.

Committee Action: S.Con.Res. 145 was not considered by committee.

Cost to Taxpayers: Nothing in the resolution indicates a cost to taxpayers.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 1417—Copyright Royalty and Distribution Reform Act of 2004 (Smith of Texas)

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill.

H.R. 1417 first passed the House on March 3, 2004, by a vote of 406-0. The Senate amended and passed the bill on October 6, 2004, by unanimous consent.

Summary: H.R. 1417 replaces the current system of copyright arbitration, using copyright arbitration royalty panels convened by the Librarian of Congress, with Copyright Royalty Judges. These judges would determine rates and distribution of royalties for certain material when copyright users and owners cannot reach agreement in private negotiation.

Specifically, the bill:

- Requires the Librarian of Congress, in consultation with the Register of Copyrights, to appoint three full-time Copyright Royalty Judges (CRJs), with one judge designated as the Chief Copyright Royalty Judge. Judges must have at least seven years of legal experience, with one judge having significant knowledge of copyright law and one judge having significant knowledge of economics. Judges terms are set at six years (with the possibility of reappointment). The Chief Copyright Royalty Judge would be paid at level AL-1 for administrative law judges (\$136,000 for 2004), while the other two judges would be paid at level AL-2 (\$132,400 for 2004).
- Provides for three full-time staff to assist the judges.
- Gives the CRJs the authority to set and adjust the terms and rates of royalty payments for certain materials, including retransmission of television broadcast signals by satellite carriers and ephemeral recordings. Judges would also have the authority to authorize the distribution of royalty fees for certain licenses. The objectives of the judges are to “maximize the availability of creative works to the public” and “afford the copyright owner a fair return for his or her creative work.”
- Provides for increased “partial distribution” of royalties while distribution proceedings are pending.
- Provides that the CRJs and staff will be located in the Library of Congress, but will be separate and independent from the Copyright Office.
- Allows CRJs to consult with the Register of Copyrights on any matters other than questions of fact, requiring such consultations to be in writing or on the record.
- Requires final determinations in a proceeding to have a majority vote. Any dissenting opinion must be included with the determination.
- Requires parties filing to participate in a proceeding to pay a \$150 filing fee (currently participants must bear the entire costs of the proceedings). Requires a voluntary three-month negotiating period between parties after petitions are filed.
- Sets up an expedited small claims process for contested claims of \$10,000 or less and exempts parties from the \$150 filing fee.
- Gives CRJs authority to determine royalty rates through paper-only proceedings.
- Allows the admittance of hearsay in proceedings if deemed appropriate by the judge.
- Requires state, local, or tribal governments and private-sector entities to appear before or provide evidence to CRJs if subpoenaed.
- Bounds CRJs by any precedent-setting court decisions.
- Requires a 60-day discovery period for cases, followed by a 21-day settlement conference, the results of which can be made binding on participants by a judge. If a settlement is not reached, the CRJs must issue a determination within 11 months. Motions for rehearings must be made within 15 days after a determination. Within 30

days of a determination, the decision could also be appealed to the U.S. Court of Appeals for the District of Columbia.

- Authorizes “such sums” to pay for costs associated with the CRJs and their duties that are not paid for by filing fees, which are intended to cover administrative costs.
- Changes the license period for all compulsory licenses to five years and staggers the dates, so that old rates will not have to be reconsidered simultaneously.

The legislation takes effect six months after the date of enactment, but the Librarian of Congress is required to appoint interim CRJs within 90 days of enactment.

Additional Background: Under the current copyright system, the use of copyright material with a compulsory license requires payment of royalties. The Copyright Office at the Library of Congress collects royalties from users of compulsory licensed material and distributes the royalties to the owners of the works using guidelines agreed upon in private negotiations between the users and owners.

When users and owners cannot agree on royalty rates or distribution, the Librarian of Congress is authorized to convene a Copyright Arbitration Royalty Panel (CARP) of three independent arbitrators. CARPs make recommendations to the Librarian that are adopted unless the recommendation is arbitrary or in conflict with copyright law.

Committee Action: The Subcommittee on Courts, the Internet, and Intellectual Property favorably reported the bill by voice vote on May 20, 2003. The full Judiciary Committee favorably reported the bill by voice vote on September 24, 2003. The Committee did not consider the Senate-amended version of the bill.

Cost to Taxpayers: The Congressional Budget Office estimates that H.R. 1417 will cost \$1 million in 2004 and \$5 million over the 2004-2008 period, subject to appropriations.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill does create a new “program” by creating a system of Copyright Royalty Judges, but this new system replaces the current-law Copyright Arbitration Royalty Panel.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: Yes, the bill contains a new intergovernmental and private-sector mandate (requires state, local, or tribal governments and private-sector entities to appear before or provide evidence to Copyright Royalty Judges if subpoenaed).

Constitutional Authority: The Judiciary Committee, in House Report 108-408, cites Article I, Section 8, Clause 8 (“To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries”).

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

**S. 2302—To improve access to physicians in medically underserved areas
(Sen. Conrad)**

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill.

S. 2302 passed the Senate on October 11, 2004, by unanimous consent.

Summary: S. 2302 would make several modifications to a law covering doctors who get special H-1B visas to serve rural and other areas with medical facility shortages in the United States for two years after graduating from medical schools. The bill extends the foreign doctor program to May 31, 2006, retroactive from May 31, 2004 (under this program foreign students attending medical school in the U.S. are permitted to remain in the U.S. after graduation if they agree to work for at least three years in areas underserved by physicians).

The bill would also allow the Department of Veterans Affairs to assign foreign doctors where they are needed regardless of geographical areas designated by the Department of Health and Human Services.

Committee Action: S. 2302 was not referred to or considered by any committee after passage in the Senate.

Cost to Taxpayers: The Congressional Budget Office estimates that S. 2302 would affect direct spending, but that any effects would be insignificant.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Senate reports are not required to cite constitutional authority.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

**H.R. 5363—To authorize salary adjustments for Justices and judges of the
United States for fiscal year 2005 (Sensenbrenner)**

Order of Business: The bill is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5363 would permit justices and judges of the United States to receive a salary increase that is equal to the cost-of-living pay adjustment provided to Members of Congress for FY2005. Section 140 of Public Law 97-92 provides that the obligation or

expenditure of funds to increase the salary of federal judges is prohibited without a specific authorization from Congress.

Committee Action: On November 16, 2004, the bill was referred to the Judiciary Committee but was not officially considered.

Cost to Taxpayers: A CBO cost estimate is not yet available.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: Although a committee report citing constitutional authority is unavailable, Article III, Section 1 states that federal judges “shall, at stated Times, receive for their Services, a Compensation, which shall not be diminished during their Continuance in Office.”

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 4516—Department of Energy High-End Computing Revitalization Act of 2004 (Biggert)

Order of Business: The bill is scheduled to be considered on November 16th, under a motion to suspend the rules and pass the bill. The bill passed the House by voice vote on July 7, 2004; and on October 10, 2004, the Senate amended the bill, passed it by unanimous consent, and sent it back to the House.

Summary (major differences from original House-passed version in red-bold): H.R. 4516 would direct the Secretary of Energy, acting through the Department’s Office of Science, to carry out a program of research and development (involving software and hardware) to advance high-end computing systems and to develop and deploy such systems for advanced scientific and engineering applications. Among other things, the program would have to allow for “sustained access” to the research community in the U.S. and for technology transfers to the private sector. The high-end computing systems to be deployed, known in the bill as “Leadership Systems,” would have to be systems that are “among the most advanced in the world in terms of performance in solving scientific and engineering problems.” The Secretary would have to provide access to Leadership Systems on a “competitive, merit-reviewed basis” to researchers from U.S. private industry, institutions of higher education, national laboratories, and other federal agencies.

The bill would require the establishment of at least one High-End Software Development Center (created from a competitive proposal process) to essentially carry out this legislation—i.e. to “develop, test, maintain, and support optimal algorithms,

programming environments, tools, languages, and operating systems for high-end computing systems.”

H.R. 4516 would authorize appropriations for this new program, as follows:

FY2005: \$50 million

FY2006: \$55 million

FY2007: \$60 million

The bill does not include language in the original House-passed bill that called on the National Science Foundation to research the social implications of computers that would be able to mimic human abilities to learn, reason, and make decisions.

Committee Action: On June 4, 2004, H.R. 4516 was referred to the Science Committee and on June 7th was referred to the Subcommittee on Energy. On June 15th, the Subcommittee marked up and forwarded the bill by voice vote to the full Committee. On June 16th, the Committee marked up, amended, and by voice vote ordered the bill reported to the full House.

The Committee agreed to an amendment by Rep. Biggert, removing the “findings” section of the bill. One such finding was, “without government support, market forces are unlikely to drive sufficient innovation in high-end computing because the private sector would not capture the full value of its innovations on a short enough time frame.”

The Senate-amended version of the bill was not considered by a House committee.

Administration Position: On May 13, 2004, before the House Science Committee, Dr. John Marburger, Director of the Office of Science and Technology Policy (OSTP), endorsed H.R. 4516 on behalf of the Administration.

Cost to Taxpayers: CBO confirms that the bill would authorize \$50 million in FY2005 and \$165 million over the FY2005-FY2007 period. The Senate-amended version contains the same authorization levels as the House-passed version.

Does the Bill Expand the Size and Scope of the Federal Government?: Yes, since it would create one new federal program (and at least one new Center to execute such program).

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: The Science Committee, in House Report 108-578, cites constitutional authority in Article I, Section 8, yet fails to cite a specific clause. Clause 3 of House Rule XIII, Section d(1), requires that all committee reports contain “a statement citing the *specific* powers granted to Congress in the Constitution to enact the law proposed by the bill or joint resolution.” *[emphasis added]*

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

**S. 2965—A bill to amend the Livestock Mandatory Price Reporting Act of 1999 to modify the termination date for mandatory price reporting
(Senator Cochran)**

Order of Business: The bill is scheduled to be considered on Tuesday, November 16th, under a motion to suspend the rules and pass the bill. The Senate passed the bill by unanimous consent on October 8, 2004.

Summary: S. 2965 would amend the Livestock Mandatory Price Reporting Act of 1999 (Section 942 of Public Law 106-78) to extend the termination date of such Act's mandatory beef and swine reporting and related authorities from October 22, 2004, to September 30, 2005.

Additional Background: The relevant section of Public Law 106-78 directed the Secretary of Agriculture to establish and maintain a library or catalog of each type of contract offered by meat-packers to swine producers for the purchase of all or part of the producers' production of swine (including swine that are purchased or committed for delivery).

Committee Action: On October 9, 2004, the Senate-passed bill was referred to the House Agriculture Committee, which did not consider the bill.

Cost to Taxpayers: A cost estimate is unavailable.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is unavailable.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.Con.Res. 430—Recognizing the importance of early diagnosis, proper treatment, and enhanced public awareness of Tourette Syndrome and supporting the goals and ideals of National Tourette Syndrome Awareness Month (Young of Florida)

Order of Business: The resolution is scheduled to be considered on Wednesday, November 17th, under a motion to suspend the rules and pass the bill. The Senate passed a substantively similar resolution (S.Con.Res. 113, Senator Gordon Smith) by unanimous consent on October 11, 2004.

Summary: H.Con.Res. 430 would resolve that Congress:

- ❑ “recognizes the impact that Tourette Syndrome can have on people living with the disorder;
- ❑ “recognizes the importance of an early diagnosis and proper treatment of Tourette Syndrome;
- ❑ “recognizes the need for enhanced public awareness of Tourette Syndrome;
- ❑ “supports the goals and ideals of National Tourette Syndrome Awareness Month, as designated by the Tourette Syndrome Association; and
- ❑ “encourages the President to issue a proclamation calling on the people of the United States and interested organizations to observe National Tourette Syndrome Awareness Month.”

The Tourette Syndrome Association has designated May 15 through June 15 as National Tourette Syndrome Awareness Month.

Additional Background: Tourette Syndrome, which afflicts at least 200,000 nationwide, is an inherited neurological disorder characterized by involuntary and sudden movements or repeated vocalizations.

For more information, visit this website: <http://tsa-usa.org/>

According to GuideStar, the Tourette Syndrome Association received more than \$1.6 million in government grants in FY2003 (the last year for which financials are available). It is unclear from what government levels these funds come. <http://www.guidestar.org/index.jsp>

Committee Action: In May 2004, the resolution was referred to the Energy & Commerce Committee, which did not consider the resolution.

Cost to Taxpayers: The resolution would authorize no expenditure.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

RSC Staff Contact: Paul S. Teller, paul.teller@mail.house.gov, (202) 226-9718

H.R. 5360—American History and Civics Education Act of 2003 (Wicker)

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 5360 would authorize the Secretary of Education to award grants to entities to establish Presidential Academies for Teaching of American History and Civics and

Congressional Academies for Students of American History and Civics. Entities receiving funds would have to have “demonstrated expertise” in historical methodology or the teaching of history. The Secretary could use any funds designated for discretionary use by the Secretary.

The Secretary is also authorized to award grants in support of National History Day.

Additional Background: In the past, RSC Members raised concerns with the introduced version of H.R. 1078. To view a summary of these concerns, click here - <http://johnshadegg.house.gov/rsc/CivicsEducationSummary.pdf>

The National History Day program is a nonprofit organization that supports history education activities in schools and an annual history contest. According to Guidestar, in fiscal year 2003, the National History Day program did not receive any government grants and its revenues exceeded expenditures by more than \$188,000. For more information about National History Day, click here - <http://www.nationalhistoryday.com>

Committee Action: H.R. 5360 was introduced on November 16, 2004, and referred to the Committee on Education and the Workforce. The committee did not consider the bill.

Cost to Taxpayers: A cost estimate is not available.

Does the Bill Expand the Size and Scope of the Federal Government?: The bill allows the Secretary of Education to establish three new grants.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630

H.R. 4324—To amend title 5, United States Code, to eliminate the provisions limiting certain election opportunities available to individuals participating in the Thrift Savings Plan (Tom Davis)

Order of Business: The bill is scheduled for consideration on Wednesday, November 17th, under a motion to suspend the rules and pass the bill.

Summary: H.R. 4324 would make changes to the rules that govern participation in the federal employees' Thrift Savings Plan (TSP). H.R. 4324 would eliminate the initial enrollment period for TSP and allow participants to change their contributions at any time. Once a participant elects to change his or her contribution amount, the change would take effect almost immediately. The bill places no limit on how many times participants may

change contributions, or how large such changes can be, as long as they remain within the overall contribution limits. Changes to agency contributions that would be initiated by changes to participant contributions would take effect immediately.

The bill also would change when agency contributions first begin. H.R. 4324 would eliminate the requirement that agency contributions begin after the second open season after which an employee is first eligible to participate in the TSP. Instead, agency contributions would begin as soon as a FERS employee is eligible to participate in the TSP. This change would apply to both the automatic 1 percent agency contribution, as well as agency matching contributions.

Specifically, it would allow federal employees and members of the uniformed services to begin or alter their TSP contributions at any time instead of limiting such changes to biannual open-season periods. It also would allow agency contributions to begin as soon as an employee is eligible to participate in the TSP, rather than delaying the start of agency contributions by between 6 and 12 months.

Committee Action: H.R. 4324 was introduced on May 11, 2004, and referred to the Committee on Government Reform. The committee approved the bill by voice vote on July 21.

Cost to Taxpayers: The Congressional Budget Office estimates that H.R. 4324 could cost \$69 million in 2005 and \$488 million over fiscal years 2005-2009, subject to appropriation.

Does the Bill Expand the Size and Scope of the Federal Government?: No.

Does the Bill Contain Any New State-Government, Local-Government, or Private-Sector Mandates?: No.

Constitutional Authority: A committee report citing constitutional authority is not available.

Staff Contact: Lisa Bos, lisa.bos@mail.house.gov, (202) 226-1630